



TOWN OF HUDSON

Planning Board



Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison

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HUDSON PLANNING BOARD MEETING MINUTES April 27, 2011

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:06 p.m. on Wednesday, April 27, 2011, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Mr. Hall to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Secretary van der Veen to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, Glenn Della-Monica, George Hall, Tim Malley, Vincent Russo, Ed van der Veen, and Richard Maddox (Selectmen's Representative).

Members

Absent: None. (All present.)

Alternates

Present: Irene Merrill, Stuart Schneiderman, and Jordan Ulery.

Alternates

Absent: Roger Coutu (Selectmen's Representative Alternate).

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Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo noted that all regular members were present, so no alternates would be seated at this time.

V. MINUTES OF PREVIOUS MEETING(S)

Chairman Russo said he would defer review of the minutes to later in the evening, as there was a full agenda and he wanted to get through the other items for which people were present.

VI. CASES REQUESTED FOR DEFERRAL

Town Planner Cashell confirmed that no cases had been requested for deferral from this meeting.

VII. CORRESPONDENCE

Chairman Russo stated that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated cases, with any remaining items being taken up under **Other Business** at the end of the meeting.

VIII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

IX. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

X. OLD BUSINESS/PUBLIC HEARINGS

- A. 75 River Road (Fueling Station/Retail/Fast Food) Map 251/Lot 10
SP# 06-10 75 River Road**

Purpose of Plan: Site plan showing the construction of a 3,200 sq. ft. retail building with retail gasoline sales, convenience mart and fast-food drive- thru window, together with associated parking at 75 River Road. Hearing. Deferred Date Specific from the March 9, 2011 Planning Board Meeting.

Chairman Russo read aloud the published notice, as repeated above.

Mr. Hall stepped down; Chairman Russo seated Mr. Ulery in Mr. Hall's place.

Town Planner Cashell said he had nothing to add to his staff report.

Mr. Emile Houle, of Res/Com Builders & Developers, Inc., P.O. Box 418, Chelmsford, Massachusetts, the applicant, noted they had been directed to speak with the neighbors; he said he had attempted to do so several time, but had not found Mr. Gary McGrath in and had not heard from him. He noted he had visited the McGrath site recently with Mr. Milisci to get elevations and setback measurements and had talked to someone at the house, perhaps Mr. McGrath's son, and then to other neighbors, adding that the neighbor had no problem with the plan. He reported that another gentleman had then requested them to leave the property, so they did not get the measurements for the distance from the property line to the well but had the house measurements.

With respect to the noise study, Mr. Houle said, the person who had done the noise study had said that he could do a full-blown study for \$8,000 but that it would provide the same information as was already provided.

Mr. Houle commented that they had started this review process in January 2010, and he thought they had been pretty thorough in addressing everything they needed, but the elephant in the room remained the 100-foot buffer. He said he thought they had covered 99.99% of what the Planning Board was looking for and he would like to find out where he stood. He expressed a belief that they had come up with what he thought were credible responses and layouts, concluding by saying this was a great project and everything worked.

Chairman Russo opened the meeting for public input and comment, in favor. No one coming forward to provide input in favor, he asked if there were anyone who wished to speak in opposition or with questions or comments.

Mr. Gerald McGrath, 77 River Road, said he had talked with Mr. Houle, but Mr. Houle had not wanted to talk to him—but a year later was leaving stuff at his door when he knew that Mr. McGrath was at work. He said he now had a fence on both sides of his house and would have to deal with all the traffic, saying he was stuck between two businesses, after having lived there for 55 years.

Ms. Marilyn McGrath, 81 River Road, said she and her brothers had been coming to every meeting except the conceptual hearing, which had not been noticed to abutters. She noted that she and her brothers had expressed concerns, stating that people who had resided there in excess of 50 years would be left to deal with heavy traffic. She reported that other businesses in the area were quiet, except for the convenience stores; she also said that Country Kitchen Bakery and businesses along Security Drive had very noisy deliveries and trash pickups—adding that sounds at night had bigger

impact and she and her brother were in direct line with the sources of that noise, and she did not want to have to put up with that. She asked the Board members to put themselves in her and her brothers' places.

Mr. Ken McGrath, with a business at 79 River Road, said he looked at it as a tradeoff between this proposed business and his own business, saying what they were proposing would heavily impact his business, which hired engineers, whereas this business would hire doughnut shop employees. He said the applicants had never come over to talk with him about the impact on his business, other than a meeting in the hallway after a previous hearing.

Ms. Jeanette Senko, 11 Eayers Pond Road, referenced previous discussion about concerns of gas fumes and noise from the ordering box, asking if any studies had been done to keep the doughnut shop without the drive-through. She then referenced another location where Dunkin Donuts did what she described as a very brisk business on Route 133 in Andover, Massachusetts, without a drive-through, which would shrink the proposed business.

Chairman Russo said he wanted to make it very clear that this project had not been rushed, adding that the Board had told the applicants they should speak with the abutters.

Mr. Houle said at his initial meeting with Gary McGrath, he had shown his machine and Mr. McGrath had told him where the property lines were. He said the fence had been brought up by the Planning Board as a way to buffer Mr. McGrath from lights and noise. He said he had left a letter at Mr. McGrath's house, with all of his contact information, but had not received any response.

Referring to the comments about residential use, Mr. Houle said most of the area was commercial, adding that they had not been able to come up with any answers as to how to reduce impact to Ken McGrath's business—and adding further that he had not approached Mr. McGrath because they had discussed that earlier, and many other businesses in the area had the same type of refrigerators, coolers, etc. He said the traffic count at the Andover Dunkin Donuts was probably about 50,000-plus, whereas the count here was about 7,000, so it was an apples-and-oranges comparison.

Chairman Russo asked for comment from the Board members.

Mr. Ulery asked the chair for a refreshment of the nature of zoning considerations in that entire area, as on overview. Chairman Russo noted that the Board was without electronic assistance this evening, because of the recent virus attack on the municipal computer network.

Town Planner Cashell said the property was G-1, which allowed for a mixture of commercial and residential use—allowing everything except multifamily. He noted this was a property that was no longer in use and this project and its multiple uses were allowed, but it was a frictional situation—adding that it happened everywhere in the country.

Mr. Ulery said it was important for the Board to get that kind of information

Mr. Barnes said this proposal was for an intensity of use that most of the surrounding properties did not have, pointing out that the four other properties that had been identified as having been given waivers of the 100-foot buffer requirement did not have retail sales from 6:00 a.m. to 10:00 p.m.—adding that the only one of the four other business sites in the area that was really retail in nature was the automobile dealership, which would not have as high a volume of traffic as this site would have. He noted the Board had addressed the problem of the fill-tanks for the gas deliveries many times, saying he thought it would cause many problems with people accessing the driveway and/or turning into the site, and he would vote against the project as it stood for that reason.

Mr. Della-Monica said he had exactly the same concerns as Mr. Barnes had discussed, saying he had been experimenting with cutouts of the site and had concluded that tank trucks could get in there if the parking lot were empty, but there could be problems if drivers accessing the site did not notice the fill-hose. He expressed concern about the intensity of use, saying the buffer requirements were there for a purpose, as were the waivers, but he was not convinced that a waiver should be given in this case, because it was not like the other properties in the area.

Selectman Maddox said the Board of Selectmen was concerned about multiple hearings for this project. He said putting a Dunkin Donuts shop there would be one thing, or a gas station with a convenience store another, but putting all of this together on that lot was a challenge. Noting that the Board of Selectmen chairman had asked for quicker decisions, he said he had had the same concerns about density and traffic all along.

Mr. Malley said he felt there was too much going on for this property.

Mr. van der Veen said he had nothing to say beyond what had already been said.

Mr. Schneiderman said he was concerned about spillage and environmental concerns.

Ms. Merrill said she agreed with many of the concerns that had been expressed.

Chairman Russo noted that the request for a waiver of the 100-foot buffer remained.

moved to grant the requested waiver from the requirements of HTC §275-8B (12), 100-Foot Residential Buffer, because the specific terms and conditions for this project shall safeguard any residential abutters who may otherwise be adversely impacted by the activities associated with this project—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations. Speaking to his motion, Selectman Maddox said the Board understood that the next-door neighbors could not stop a project, but he was reluctant to vote for it and saw no reason to grant the waiver.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in opposition, and Chairman Russo declared the motion to have failed unanimously (0–7).

Chairman Russo observed that the buffer had not been addressed to any Board member's satisfaction, adding that it was very clear that, because of the intensity of use that Mr. Houle intended to put in, there were certain things Mr. Houle needed to do, and that he did not see how the Board could move past this.

Mr. Houle commented that he thought there was a big misconception about the convenience store use, saying he did not intend to put in another Ayotte's Stateline Smokin' Joe store but that it would be a 400 ft² area—adding that he would not lose any sleep over losing that. He said it was not meant to bring in a lot of customers, but was basically put in as a little thing for the customers.

Chairman Russo said he felt that was the least of the Board's concerns, which were the combination of the drive-through and possible fuel leakage. He then asked if the Board wished to continue this or deny the application.

Mr. Malley said the project could not go in without the 100-foot buffer. Town Planner Cashell expressed agreement.

Mr. Houle asked what the determination of the 100-foot buffer was—asking if it were to the property line or to Mr. McGrath's building. He then asked for the indulgence of continuing this to another meeting, so he could come back with something new. Town Planner Cashell read the regulation aloud, clarifying that it should be measured from the residential property line to any part of the commercial development. Chairman Russo noted that Mr. Houle had tens of feet, not hundreds.

to defer further review of the site plan application for 75 River Road, date specific, to the May 25, 2011, Planning Board Meeting, at the request of the applicant. **VOTE:**

Chairman Russo called for a verbal vote on the motion.

All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Hall returned to his regular seat at the table, and Chairman Russo recognized him as being seated, with Mr. Ulery returned to his nonvoting alternate status.

**B. 27 Hurley Street LLR (Horadan)
SB# 04-11**

**Map 182/Lot 186
27 Hurley Street**

Purpose of plan: To illustrate an equal-area land exchange between the owners of Tax Map 182/Lot 186 and Tax Map 182/Lot 185. Application Acceptance & Hearing. Deferred Date Specific from the April 6, 2011 Planning Board Meeting.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell reviewed past hearings, saying this was a new application as far as the Planning Board was concerned. He asked if the applicant had been able to get all of the legal signatures. Mr. Michael Horadan, 6 Elizabeth Court, Amherst, NH, the applicant, said he had not done so as yet. Chairman Russo stated this application

therefore was not ready for acceptance. Mr. Horadan said he had been trying to contact the attorney for the abutters, but they had not been able to get together.

Chairman Russo asked if there were any urgency. Mr. Horadan said it was a matter of immediacy, as he was getting married this coming Saturday but would be homeless Saturday afternoon.

Town Planner Cashell said the attorney was trying to expedite the exchange, but it took longer than one might think. He stated that the attorney and the abutters had no problem with this change.

Mr. Horadan said the last conversation he had had with the attorney had been a discussion with the latter's secretary, who had said the documents would be forwarded when ready.

Selectman Maddox moved to defer further consideration of this matter to the meeting of May 11th at the request of the applicant. Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

XI. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

XII. CONCEPTUAL REVIEW ONLY

A. Senter Farm Estates CSB# 04-11

Map 115/Lot 3
Old Derry Road

Purpose of plan: to illustrate a possible re-subdivision of the existing subdivision. Discussion with Planning Board with respect to the advantages of converting this project to a more standard Open Space Subdivision.

Chairman Russo read aloud the published notice, as repeated above.

Mr. Hall stepped down again. Chairman Russo again seated Mr. Ulery in place of Mr. Hall.

A gentleman in the audience at this time interrupted to ask if the Board would allow Mr. Horadan (the applicant for the preceding hearing) to start framing his house on the new foundation that was in place. Chairman Russo said the Board could not do that. Town Planner Cashell said the new addition was entirely on the applicant's property but was encroaching on the setback.

Mr. Robert Baskerville, PE, of Bedford Design Consultants, 177 East Industrial Park Drive, Manchester, NH 03109, displayed several plans for the Senter Farm Estates, site, including plans of its prior manifestations as Qroe Farm and Mammoth Estates.

Town Planner Cashell said this was a very complicated process, further compounded by his inability to have computer communications through the past week.

Mr. Baskerville noted that he had been involved with this project for a long time, having started working with Emory Nadeau, the original owner, in 2003. He said the current plan was to put 33 houses on 134 acres, noting that the present owner, Mr. Taideh Hsu, was currently out of the country but had asked Mr. Baskerville to speak for him. He reviewed the original plan by Bob Baldwin, running the Qroe Company, with his specialty being farm preservation, with the intent to keep all the working fields as a working farm. Starting in April 2006, he continued, Mr. Baldwin had been successful in getting a ZBA variance and seven waivers from the Planning Board—but then had perished in a plane crash. Mr. Baskerville said Mr. Baldwin would have kept the farm going, working with a tremendous amount of latitude, such as the extended frontages for some lots. Noting that not a single lot had been sold in the intervening five years, Mr. Baskerville said kids and others went onto the property, and he referred to the continuing poor housing market cycle. He noted that the original plan had a small area for building each residence, with several green belts and farm belts scattered throughout the subdivision. He described details of the plan for such an arrangement. He expressed a belief that Mr. Baldwin would have been able to pull it off, but stated that it was now unfeasible.

He then discussed a proposal to re-subdivide the parcel into more normal lots compatible with the Town's Open Space Subdivision regulations. He noted that what he was showing, with no new roads and no new wetland fill, was just one possible way to do it, and he identified where green space would be provided, saying a lot of the lots would have no need to use the rear portion of the properties, which was open for discussion. He noted that fees had been paid and the property was currently listed in current use, but the roads would not meet current standards. He then requested comment.

Mr. Ulery expressed thanks for the explanation. He then asked about phasing. Mr. Baskerville said that had not been discussed. Town Planner Cashell said it was spelled out in the regulations.

Mr. Ulery asked how different the pricing would be. Mr. Baskerville said the original intention had been to build half-million-dollar residences, or in that neighborhood, saying the real estate market was now healthy for starter homes, while bigger homes were at a standstill. He said the lots would sell for the market price. Town Planner Cashell said 21 to 50 lots would require a 4-year buildout.

Mr. Barnes asked if there were an intent to use the shared driveways. Mr. Baskerville said some would be used, but that others, such as the longest accessway, would not be needed, although it could be used for recreational uses. He said some of the lots had road frontage but at a very steep grade, noting that the Board could discuss having those houses down near the street, instead, but the idea was to bring all of the lots in closer to the road.

Mr. Barnes asked about drainage, asking how the changed house locations would be handled. Mr. Baskerville discussed treatment swales that could be used for road drainage from some of the properties, saying the drainage would not change for the road. He noted that rooftops would now be counted, where they had not been before, noting that the number of houses would change from 31 to 40, but he did not think there would be any net increase. He noted, however, that they would have to go back and get a new State permit, saying he would have to go back through the entire State process all over again.

Mr. Barnes asked how the water on the roads would be handled. Mr. Baskerville said there were ditches on both sides of the road, affirming that they would be maintained, but there was a big tangle with respect to the easements created for the original plans. He said where each house would be placed and how big it would be would be up to each individual builder.

Selectman Maddox said the concept had been that thirty lots far off the roads could be handled, but now there would be a lot more runoff with houses closer to the road. He noted that the open space appeared to be chopped up, with no way of contiguous access. Mr. Baskerville suggested that one could be left for access, noting that it was common in most towns to put in a 4-lot parking area. He said the idea of contiguous access would have to be worked into the plan.

Mr. Della-Monica noted that the square footage was being reduced to a smaller area, which would produce more sheet flow. Mr. Baskerville noted that some towns were now asking for rain barriers. He said the old regulations moved the drainage from the high point to the low point with a large detention area, while the new regulations called for small ones that kept the water in the high places. He said he would be glad to look into that.

Town Planner Cashell advised that redesign should make an attempt to maintain as much uplands, and upland water as possible, as there had been a major drainage issue when the road was put in.

Chairman Russo asked if the site currently had access. Mr. Baskerville said there was, but there was a chain across the road.

Chairman Russo opened the meeting for public input and comment, in favor. No one coming forward to provide input in favor, he asked if anyone wished to speak in opposition or with question or comment.

Mr. Shawn Jasper, 83 Old Derry Road, said the fact of being an abutter did not make any difference, as there would be one house near his property either way. He said he had been in favor of the Qroe Farm plan and had worked with Mr. Baldwin, but had been opposed to the waivers that were granted. He said no one would buy there now, as the place was an eyesore. He said no one had made Mr. Hsu buy the property, adding that every bit of loam that was not put back on the edge of the main road had been taken off site, which should not have been allowed to happen under the Town's regulations, so far as he knew. He said the result was that there were some terrible slopes that could never be plowed, saying the edges of the lots were never finished, with mounds of gravel left there. He said the Alvirne School Farm had been

making hay there, but the hay was no good, because it had been fallow too long, but Mr. Hsu was constantly getting the Alvirne School Farm people to go in there with a promise that they would be able to farm the property when it was developed. He said Mr. Hsu was not living up to his end of the bargain, as there was no machinery to maintain the slope of the road, and the property looked awful. He said people should not be rewarded for doing a lousy job—but Mr. Hsu was asking for 30% more lots because he had not done what was supposed to be done, with the Alvirne School Farm people being strung along. He suggested that the Planning Board should reject this proposal, saying it was Mr. Hsu's fault for not having done what he was supposed to do. He said that was not the Planning Board's job, and the applicant should be made to follow the regulations.

Mr. Emery Nadeau, the ex-owner, said he was in favor of this new project.

Mr. George Hall, 18 Par Lane, said he had stepped down because he was employed by the abutter, Brox Industries. He said it was accepted that this was going to be housing, but he was surprised at the comments from the Board about drainage. He said the owner should be told to start over again from "Square One" instead of accepting the waivers that had been granted on the basis of the original plan. He said the Board needed to tell the developer whether the Board would continue to allow the overly long cul-de-sacs, expressing concern that others might try the same approach in the future if the Board allowed this.

Ms. Elizabeth Houle, 35 Chagnon Lane, said she was a Nadeau and hated to see what was going on on this land. She said she liked the idea of having 30 homes but was not in favor of expanding it to 40, but something needed to be done, as kids were up there at three in the morning—ruining the fields, dropping trash and tires, etc. She said she was in favor of getting something started but did not want to see any more houses.

Town Planner Cashell said he had expressed a belief in his staff report that the increase in number of lots was not warranted, saying he felt the engineer should take proper location of the lots into consideration—saying a lot of these looked good on paper but did not come close to having proper building areas on them. He expressed a belief that the Board should look for a solid proposal that was properly designed for environmental concerns.

Mr. Della-Monica referenced Mr. Halls' concern, saying the wetlands were the first thing that came to mind, as well as the number of lots being an issue. He expressed a belief that all of the waivers should be reexamined, and he concluded by saying he agreed that some of the lots would be questionable.

Selectman Maddox said the idea of a conceptual was to do just that, saying this plan had taken two years to get approved, with Mr. Baldwin struggling all the way. He said the man who had the vision was gone, but something needed to be done—but this use of shared driveways was just to get more lots. He referenced the overly long cul-de-sac, saying these waivers had been granted because the Town had been getting a benefit that no longer applied.

Mr. Emory Nadeau stated that most of the land abutted the Brox property, adding that the water went to the Brox property, to Chagnon Lane, and to Robinson Road—and adding further that the brooks dried up in the summer.

Mr. Ulery said there was a potential with this plan, saying the layout that was given was a good one, and there was a potential for recreational use (trails, farming, etc.). He said he thought the message that the developer should have was that there was a potential but a lot of the needed design was missing. He said the question was whether the Planning Board wanted to mandate the redevelopment of the cul-de-sac road layout to current standards, whether it wanted the unique idea of shared driveways, and if it wanted the property to be developed in some fashion. He said he felt that the consensus was that 41 lots would be ten too many.

Town Planner Cashell said there was still an opportunity, with enough brainstorming on the owner's part and the engineer's part, even if this took another year—noting that the Planning Board was committed to making sure the development would be very special, as originally planned.

Mr. Malley said he was looking at this as any other site plan, saying that just because a spot had been paved did not mean the Board should accept it.

Mr. van der Veen noted that the plan had been approved as a very unique development—saying it still could be, even when redesigned for current regulations, but all that was being proposed was a lot of chopped-up common areas.

Mr. Baskerville said the intent was to still allow farming, saying he had heard a lot tonight, and he was just looking to see where he could go from here—adding that he was looking for ways the Town could help the owner.

Chairman Russo declared a recess at 8:50 p.m., calling the meeting back to order at 9:07 p.m., and noting that Mr. Hall had returned to the table as a sitting member and that Mr. Ulery had reverted to his nonvoting alternate status.

XIII. NEW BUSINESS/PUBLIC HEARINGS

A. Zachary Tompkins Memorial Field – Site Plan

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell noted that his staff report in the handout packet had been a victim of the computer system meltdown. He said the plan was ready for Application Acceptance.

Mr. Malley so moved; Mr. Della-Monica seconded the motion.

\VOTE: Chairman Russo called for a verbal vote on the motion to grant Application Acceptance. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Richard Maynard, PE, of Maynard & Paquette, Engineering Associates, LLC, appearing before the Board as the engineering representative of the applicant, noted that before the Board at this time was the official plan for the project to be located at 9 Industrial Drive for a football field and a baseball field. He said he had chosen the Elevation 266 option discussed at the previous conceptual hearing, as it worked best with all of the grading and put the facilities building on the 50-yard line, noting that he had rotated the field in response to Mr. Della-Monica's recommendation at the previous hearing, but there would still be minor encroachments, taken care of with a 5-foot retaining wall. He said the onsite asbestos would be placed under the parking lot, noting that there were 143 onsite parking spaces, which he said was essentially what the Bears already had at Hudson Memorial School. He discussed the drainage flow projections. He noted there would be a three-story facilities building, with locker rooms and concession stand. In the future, he said, there would be a walking trail around the perimeter of the property, including through the wetlands, which would require discussion with the Conservation Commission and the Zoning Board of Adjustment. He said there had been informal discussions and agreement to allow parking along the north side of Industrial Drive, projecting spaces for another 150 vehicles.

He noted there were two waiver requests—one for general landscaping (saying the entire perimeter would remain vegetated), and the other for the green-space setback on the front property line, with 25 feet being proposed, rather than 35. He said the parking lot would be left where it was shown. Referring to Stipulation 1 of Mr. Cashell's draft motion, calling for very formal documents with respect to the parking on other properties, he said most property owners did not want to tie their property up for long periods of time; he urged that the Board let the Committee work things out, saying this stipulation was unworkable.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo brought the matter before the Board and asked if any members of the Board had any questions.

Ms. Merrill asked who owned the property at this time. Mr. Maynard said it was owned by the Town of Hudson, and there was a joint agreement, saying the Committee would maintain the field. Selectman Maddox noted that the question on the ballot had proposed a 35-year long-term lease.

Mr. Della-Monica expressed appreciation of the rotation of the field, as he had earlier suggested.

Selectman Maddox referenced Stipulation 6 of the draft motion, expressing surprise that the Recreation Commission was included. Town Planner Cashell said that could be crossed out.

Mr. Barnes asked about the 150 off-site parking spaces. Mr. Maynard said they would be on Industrial Drive and Park Avenue.

Mr. Barnes asked if anything would be done at the top of the cliff at the western end. Mr. Maynard said the Board should stipulate that a safety fence should be provided across the top.

Mr. Hall asked what the purpose of the fence at the bottom of that slope was; Mr. Maynard said it was to provide security for the field. Mr. Hall expressed a belief that the fence could go right up the hill.

Mr. Hall expressed a belief that people looking at the plan would not realize how much of a drop-off lay just beyond the goal line. Mr. Maynard said he would relocate the fence to the top of the slope.

Mr. Ulery commented that putting a fence at the bottom of the "attractive nuisance" slope might reduce liability. Mr. Della-Monica expressed agreement.

Mr. Hall suggested they would end up with a guard rail on top of the 2-to-1 slope. Mr. Maynard said they would evaluate that as they went along.

Selectman Maddox said the Town would rather find a flat parcel with no wetlands but that this would be least-affecting for the neighborhood.

Town Planner Cashell said a lot could be made of that cliff slope, noting there had been a suggestion for a mural to be constructed there. Mr. Maynard said the Committee would consider that in the future.

Selectman Maddox noted that a lot of things were being planned, but it had to fit within the budget of volunteers. He suggested a letter from abutting land owners saying they would allow parking on weekends should be sufficient.

Mr. van der Veen commented that the cliff could be a rock-climbing wall.

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-8 B (22), 35 ft. Greenspace Buffer, citing the reason as being because the proposed site improvements enhanced the overall appearance of the subject parcel; in effect creating a more aesthetically appealing property—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan.

Mr. van der Veen seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Selectman Maddox moved to grant the requested waiver from the requirements of HTC §275-8 B 31 (a), Interior Landscaping, citing the reason as being because upon completion of this project an abundance of natural landscaping shall remain throughout the site—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations. Mr. Malley seconded the motion.

Speaking to his motion, Selectman Maddox said this requirement was mostly in place for commercial buildings, saying there would be more than enough green space to offset whatever was done.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Selectman Maddox moved to approve the site plan entitled ***Site Plan Map 161/Lot 040, Zachary Tompkins Memorial Field, 9 Industrial Drive, Hudson, NH***, prepared by Maynard & Paquette, Engineering Associates, LLC, Nashua, NH, dated May 4, 2010, revised through April 11, 2011, consisting of Sheets 1 & 2 and Notes 1 through 17, in accordance with the following terms and conditions:

Prior to Planning Board endorsement of the Site Plan-of-Record, the Development Agreement shall be favorably reviewed by Town Counsel; after which, said plan shall be recorded at the HCRD.

All improvements shown on the Site Plan-of-Record, including Notes 1 through 17, shall be completed in their entirety and at the expense of the Applicant or his assigns.

Prior to the issuance of a final certificate of occupancy, an LLS-certified "As Built" site plan shall be provided to the Town of Hudson Community Development Department, confirming that the site conforms with the Planning Board approved site plan.

Construction activities on the site shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday.

Blasting, and/or ramming of bedrock materials, shall be limited to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday only. Said blasting/ramming activities shall be prohibited on Saturday and Sunday.

This approval shall be subject to the final recommendations and actions of the Hudson Town Engineer, as well as the Hudson Fire and Police Departments.

A safety fence shall be installed along the top of cliff on the west end of the football field.

A safety fence shall be installed along the east end of the football field.

Mr. Maynard noted that volunteers would be doing the work, and they would like to be able to work on weekends. Chairman Russo suggested allowing work on Saturdays from 7:00 a.m. to 7:00 p.m. Selectman Maddox concurred, making it a friendly amendment, with Stipulation 4 now reading as follows:

4. Construction activities on the site shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday.

Mr. Malley seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

**B. Hawthorne Woods OSD
SB# 05-11**

**Map 135/Lot 15
18 Griffin Road**

**Purpose of plan: to propose a seven-lot open space development on the existing lot 15 identified on Hudson Tax Map 135. A six-lot open space development was approved for this lot in 2004 but has since expired.
Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above, and he then stepped down, passing the gavel to Vice-Chairman Hall. Mr. Hall appointed Mr. Ulery to sit in place of Mr. Russo—adding that he would not vote, as Acting Chairman, unless there was a tie.

Mr. Hall asked if the plan were ready for Application Acceptance. Town Planner Cashell answered in the affirmative. Selectman Maddox moved to grant Application Acceptance. Mr. Della-Monica seconded the motion.

Mr. Barnes said he would vote against this, as the board was being asked to abide by part of the previous approval, but it was being changed.

VOTE: Acting Chairman Hall called for a voice vote on the motion. All members present voted in favor except for Mr. Barnes, who voted in opposition, and Mr. Hall, who abstained, and Acting Chairman Hall declared the motion to have carried (5–1–1).

Mr. Patrick Colburn, from the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner in substitution for Mr. Basso, who was ill, reviewed the prior conditional approval of this project as a six-lot open space development in 2004, reporting that the developer had commenced with the development, doing the required ledge blasting, put in the roadway to subgrade, completed the first 200 feet of Rebecca Circle, and constructed one duplex residence, with work then stopping for various reasons, including the downturn in the housing market. Mr. Colburn noted that the project was not vested so the property owner, who now wanted to move forward, had contracted Keach-Nordstrom Associates, which had prepared a similar plan, utilizing the same roadway, but proposing one additional lot because of recalculated density. He said the property was just over 19 acres in area, in the G-1 district, with all required tree-clearing having been accomplished. He noted that the open-space plan proposed 8.75 acres of open space, which would be continuous around the entire development and would have access off Rebecca Circle as well as from the vacant area on the northeast side of the development—adding that the open space would be delineated every 100 feet. He noted that there was an existing woods road within the open space, and the current plan proposed connecting a trail from Rebecca Circle to that woods road. He said the non-open-space lots would range in size from just over one acre to about 1.5 acres, with the lots being serviced by private wells and septic systems. He noted that Rebecca Circle, as previously proposed, would be a cul-de-sac of approximately 875 feet in length and would be built to Town standards with appropriate pavement width, with bituminous sidewalks, etc., adding that it was almost identical to what had

previously been approved except for relocation of a proposed treatment swale. He described the proposed drainage system, including both existing and proposed, noting that the project was subject to review and approval by NH-DES for both state subdivision and alteration of terrain.

Mr. Colburn said they had gone through one round of review with CLD (Costello, Lomasney, and deNapoli, Inc.) and that CLD had responded to the revised plan with just two minor questions. He said they were still working with the Fire Department regarding fire suppression requirements, pertaining to the issue of cisterns vs. sprinkler systems.

He concluded by noting that the project required three waivers, including from the 100-foot platform requirement (which had been granted in 2004 for a 3% slope), from the traffic impact study requirement, and from the fiscal/environmental impact study. He then offered to do his best to answer questions in Mr. Basso's absence.

Acting Chairman Hall opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the acting chairman for comment for or against, Acting Chairman Hall asked if any members of the Board had any questions.

Selectman Maddox said the access to the woods trail was in the wetlands buffer; Mr. Colburn said he also had asked about that, saying it was mostly clearing and minor handwork to blaze a walking trail, and Mr. Basso had felt a special exception might not be required. Selectman Maddox said it looked as though nothing was being given to the town to put in a trail; he then suggested that they go with the approved plan or else go through the whole review process again.

Mr. Della-Monica said the trail through the wetland buffer was a permitted use but would have to be approved by the Conservation Commission and would require a variance. Mr. Colburn responded that it was an unknown area of impact, because of the grades, so seeking a special exception would be difficult and they had thought it would be permitted. He said they would go through that process if it were necessary.

Mr. Ulery said he felt that process could be done at a later date and should not impact approval of the plan by this Planning Board.

Acting Chairman Hall expressed agreement but said the trail was not shown on the plan and was not mentioned in the notes, so it was speculative and should be delimited. Mr. Colburn said they would undertake that effort if the trail had to be designed.

Mr. Colburn then identified the plan posted on the meeting room wall as ***Exhibit Plan, Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, New Hampshire***, dated April 21, 2011 (no revisions), showing the location on of the existing woods road on Lot 15, with a callout to the trail.

Acting Chairman Hall said there was nothing on the site plan that said there was going to be a trail there or what it consisted of, saying he felt there should be something done, better than saying there would be a trail there somewhere. He then asked Mr. Colburn to identify the display plan, and Mr. Colburn identified it as ***Presentation Plan***,

Hawthorne Woods, Map 135/Lot 15, 18 Griffin Road, Hudson, New Hampshire, dated February 9, 2011, with revisions through April 1, 2011.

Town Planner Cashell noted that some of the roadway had already been constructed, saying going forward would require the Board to decide whether that work warranted “grandfathering” of this particular subdivision—noting that a significant amount of vesting had been done. He said the engineers had decided to come in with a new plan, including the added seventh lot. Acting Chairman Hall said the Board’s feelings about that would be revealed when taking up the 100-foot platform waiver request. Town Planner Cashell pointed out that the roadway had already been constructed; Acting Chairman Hall responded that that did not mean that it applied to this current approval request.

Mr. Della-Monica asked how the common property would be held. Mr. Colburn said he believed it would be held by the homeowner’s association. Mr. Della-Monica suggested the association could go to the Conservation Commission in the future for the trail. Acting Chairman Hall said the past practice of the Board had been to have the open space accessible to all residents of the project—adding that there had been problems in the past because the two abutting property owners did not see a property line for the access trail, so that the Board had had a trail constructed, with a rail fence on either side, so that there was not any issue. He noted that each resident would have a 1/7th ownership of the common land, which was not taxed, because the interest in the home reflected the value of that open space; he then reviewed some such cases in the past, saying what the Board would be approving would be what was shown to the homeowners—and that, if they wanted a trail they had to show where it was and what they were going to do.

Mr. van der Veen asked Mr. Barnes to expand on his objection to going from six lots to seven. Mr. Barnes said the original plan had called for seven lots but the 2004 Planning Board had reduced it to six; he said he would be fully willing to support that original agreement. Mr. van der Veen asked what the objections had been with respect to the seventh lot; Mr. Barnes said he thought it had been the density, adding that there were some steep slopes and wetlands issues. Acting Chairman Hall added that in order to get the seventh lot meant the developer would have to put a driveway across the wetland, saying they would have to be kind of creative in order to do that.

Mr. Colburn asked if Acting Chairman Hall were referring to a specific wetland. Acting Chairman Hall said his point was that they would have to cross a wetland.

Acting Chairman Hall referenced Sheet 18, saying there would be two driveways across wetlands, and he questioned whether the Zoning Board of Adjustment would grant that.

Selectman Maddox noted that road improvements were also supposed to have happened on Griffin Road, but nothing had been done.

Town Planner Cashell said there was no rush to move this forward.

Selectman Maddox expressed a belief that the applicant was vested for the original six lots, and re-approval could have been handled by correspondence, but they now

wanted another subdivision. Town Planner Cashell said this was not at all like the case of the land off Rena Avenue.

Acting Chairman Hall said this was opening a can of worms, as it was a different plan.

Mr. Ulery moved to defer requesting a plan for a trail. Mr. Malley seconded the motion.

Acting Chairman Hall suggested that the big question was whether the Board would go along with the re-subdivision, to allow seven lots instead of six lots—saying it was not fair to the applicant to say the plan was being deferred to show a trail.

Mr. Ulery asked how the Board could tell the applicant that the Board wanted him to redo the entire thing, without deferring it in some fashion. Acting Chairman Hall said the Board could deny the plan because there was no justification for seven lots—adding that the Board might not be ready to make that determination, but the applicant should be told that, if so. Mr. Ulery withdrew his motion.

Selectman Maddox moved to consider the existing plan, for six lots, to be grandfathered, saying the applicant could then come back if he wished to continue.

Town Planner Cashell said the existing plan should be conditionally approved; Acting Chairman Hall noted that the Board was supposed to determine how substantial the expenditure had been, adding that conditional approval only gave the applicant four years. Town Planner Cashell said the statutes that had been passed in the interim did not go this far back; Selectman Maddox said he thought the Legislature had just changed it again. Town Planner Cashell said he thought they only went back as far as 2006.

Mr. Malley seconded Selectman Maddox's motion.

VOTE: Acting Chairman Hall called for a verbal vote on the motion to consider the existing plan for six lots to be grandfathered. All members voted in favor, except for Acting Chairman Hall, who abstained, and Acting Chairman Hall declared the motion to have carried (6–0–1).

Selectman Maddox moved to defer further action on this matter to the meeting of May 25th, with the Town Planner to provide copies of minutes and documentation pertaining to the original plan.

Mr. Della-Monica said he would second the motion, but wanted acknowledgement for the drainage easement would have to be crossed to access Lot 7. Mr. Colburn discussed this, saying he did not think it was a problem, as the purpose of the drainage easement was to allow the Town access to maintain the treatment swale and the retention pond. Mr. Della-Monica said in that case it would not be a problem.

Mr. Colburn said he understood the concern with the seven lots was not the density, because their calculations proved that the density met the rules of the ordinance, but that the seventh conventional lot required a crossing of the wetland. Acting Chairman

Hall said it would have to cross two wetlands, saying there was another one back there that took up the whole width of the lot.

Mr. Colburn said he had not seen anything in the documentation about off-site improvements. Selectman Maddox said it was in the May 16, 2004, minutes, not the minutes pertaining to the approval.

Mr. Della-Monica said he would like to see if some of the variances that had been given had been *quid pro quo* for reduction in size of the development, so he wanted to see those earlier minutes.

VOTE: Acting Chairman Hall called for a verbal vote on the motion. All members voted in favor, except for Acting Chairman Hall, who did not vote, Acting Chairman Hall declared the motion to have carried (6–0–1).

Mr. Hall returned to his regular seat at the table and Chairman Russo resumed the chairmanship, with Mr. Ulery returning to his nominal nonvoting alternate role.

**C. 125 Wason Road Site Plan
SP# 03-11**

**Map 206/Lot 31-2
125 Wason Road**

**Purpose of plan: to construct a residential-scale garage/small design office to be located at 125 Wason Road, Hudson. The property is zoned "G".
Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Mr. Malley stepped down; Chairman Russo seated Mr. Schneiderman in Mr. Malley's place.

Town Planner Cashell said the plan was ready for Application Acceptance.

Mr. van der Veen so moved; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Ms. Jennifer DiNovo, of Design Works Landscaping Architecture & Consulting, PO Box 3005, Nashua, NH accompanied by her husband, a co-applicant, identified the plans she had posted on the meeting room wall as **Site Plan, Map 206/Lot 31-2**, dated March 25, 2011, prepared by Cuoco & Cormier Engineering Associates, Inc., and the second plan was **Supplement Plan, Map 20-6/Lot 31-2**, dated April 27, 2011.

Ms. DiNovo reviewed the discussion that had taken place when they had come in for a conceptual review, and she described the nature of their business, saying they were not in the business for yards but for design work. She said they were in the field when

not designing, and the purpose was to purchase the property, Lot 31-2, where a professional office was permitted by right—adding that they would be interested in constructing a home on the property in the future, which would require going before the Zoning Board of Adjustment. She said they had hired Cuoco & Cormier Engineering Associates, Inc., to prepare a plan based on the comments received at the conceptual hearing, noting they were also working with the neighbors, who had written a letter saying they approved the plan.

Ms. DiNovo identified the site, noting that Wason Road was somewhat busy, and she identified the adjoining lots. She described the terrain, noting there was rock outcropping, and the proposed construction and driveway layout (12 feet wide, with parking space for four vehicles, noting that the building would be 1546 ft², and stating that there would be significant landscaped drainage. She said they would be beautifying the property, saying the proposal was not out of character with the neighborhood.

Ms. DiNovo noted they were requesting waivers for the 100-foot setback, commenting on the rock outcroppings and high points, as well as waivers of the stormwater management report, traffic study, noise study, fiscal/environmental impact study, and the 24-foot access requirement. She said they had received comments from CLD (Costello, Lomasney, and deNapoli, Inc.) and had put together the supplemental plan as a result, causing the need to submit a new request for waiver of the requirement to show features within 200 feet.

Chairman Russo opened the meeting for public input and comment, in favor or opposition. Ms. Connie Caminiti discussed having met with the applicant, saying they thought they would be happy with the proposed project, which would improve the property.

No one else coming forward to provide input, despite requests by the chairman for comment for or against, Chairman Russo declared the matter before the Board and asked if any members of the Board had any questions.

Mr. Della-Monica said he had walked the property line with Mr. Caminiti, noting they had found there was more room between the property line and the Caminitis' house than they had thought.

Mr. Hall asked for a copy of the letter from the abutter. Ms. DiNovo said she would provide it. Mr. Hall asked if the abutter acknowledged having written this letter; Ms. DiNovo and both Connie and Russell Caminiti responded in the affirmative.

Mr. Hall noted the indication of outside storage on the landscaping plan, saying that should be on the other sheet, which was the one that would be recorded. He said he also wanted to know what would be in the garage, pointing out that the Town could only enforce what was on the recorded site plan.

Selectman Maddox noted discrepancies in one of the measurements; Ms. DiNovo said it was a slanted variable, between 12 feet and 16 feet. She confirmed that the driveway was now proposed as bituminous, rather than gravel.

Mr. Barnes referenced the response to Note 7 in the CLD report; Ms. DiNovo said the draft letter was not supposed to be issued, and she read from the formal letter. She confirmed that they intended to put a well on the property.

Mr. Hall said the abutters should sign the "official" letter, and Mr. and Mrs. Caminiti did so, at that point.

Town Planner Cashell said the only feature within 200 feet was the abutting driveway, which was shown on the plan. Chairman Russo suggested this meant that the request for the waiver was not contrary to the ordinance; Mr. Cashell expressed agreement.

Ms. DiNovo then provided a signed copy of the letter of response to CLD's comments.

Selectman Maddox asked about hours of operation. Mr. DiNovo said it would be from 7:00 a.m. to about 4:00 p.m., Monday through Friday. Selectman Maddox said these hours should be listed on the plan, but he suggested that was too much restriction, and he suggested putting 6:00 a.m. to 10:00 p.m. on the plan, explaining that the Board wanted to minimize noise impact to the neighborhood, since they were asking for a waiver of the 100-foot buffer. Mr. Hall expressed a belief that the DiNovos would be working in the office after coming back from a job. Mr. Hall suggested 7:00 a.m. to 5:00 p.m.

Mr. Ulery said there had been more detail in the previous discussion as to what vehicles would be parked in the garage and when they would leave, saying he had thought it was 7:00 p.m.

Mr. van der Veen suggested they might want to work on the plans in the evening during the busy times. Selectman Maddox suggested stating the hours of operation as 7:00 a.m. to 7:00 p.m. Ms. DiNovo expressed agreement.

Selectman Maddox said he was having trouble with the 12-foot width of the driveway, saying he felt at least 16 was needed to accommodate turning into the property from Wason Road, especially with vehicles coming up behind them. Ms. DiNovo suggested doing a 16-foot width at the beginning and then tapering to save on expense. Selectman Maddox commented that it was a short distance.

Mr. Della-Monica asked if they had been on Wason Road at rush hour, saying there was a lot of high-speed traffic, and he suggested rethinking the 16-foot width. Ms. DiNovo said she could make it four feet wider for 50 feet.

Ms. Merrill said she drove that road every day and there was no way that anyone went 30 miles/hour on that road.

Mr. Schneiderman asked why they did not want a 24-foot driveway. Chairman Russo said they had just explained that it was because of the cost.

Mr. Schneiderman asked how much increase in water flow to the street was expected. Ms. DiNovo said they would be treating it as a residential use, saying she was not certain of any increase in flow, noting that they had originally proposed a gravel driveway but had changed it to pavement because the Board had suggested that.

Chairman Russo noted the lengthy list of requested waivers, asking if there were any motions.

Mr. Della-Monica moved to grant the requested waiver from the requirement of HTC §275-8 (16), Features Within 200 Feet, citing the reason for granting the waiver as being because the only manmade feature other than the fronting street, was an abutting driveway and home, which was shown on the Site Plan-of-Record—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. van der Veen seconded the motion.

Selectman Maddox said he would vote in opposition, as he did not believe the intent of the ordinance had been to have someone tell the Board what was there, but that it should be shown on the drawing.

VOTE: Chairman Russo then called for a hand vote on the motion. All members present voted in favor except for Selectman Maddox, who voted in opposition, and Chairman Russo declared the motion to have carried (6–1).

Mr. Della-Monica moved to grant the requested waiver from the requirement of HTC §275-8 B (12) (b), 100 ft. Residential Buffer, citing the reason as being because the specific terms and conditions of approval for this project (to wit, a written agreement was submitted to the Board from the abutter, agreeing to the landscape buffer plan; hours of operation shall be between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday; and the fact that this was a low impact business) shall safeguard any residential abutters who might otherwise be adversely impacted by the activities associated with this project—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations, because of the terms and conditions.

Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §275-9 A, Stormwater Management Report, citing the reason as being because pre- and post-development stormwater conditions shall remain relatively the same on the parcel—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Hall seconded the motion.

Chairman Russo said he had not seen a stormwater report. Mr. Hall said the motion said there had to be one. Mr. Hall said treatment would be provided, but the calculations had not been provided.

Mr. Della-Monica said direction of the sheet flow would be off the driveway, with the flow going to the same place it would have been going before. Mr. Barnes noted that the drainage study said there would be no additional increase.'

VOTE: Chairman Russo then called for a hand vote on the motion. All members present voted in favor except for Selectman Maddox, who voted in opposition, and Chairman Russo declared the motion to have carried (6-1).

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §275-9 B, Traffic Study, citing the reason as being because this project will pose a negligible impact on the associated roadway system—and as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Hall seconded the motion.

Mr. Della-Monica noted that he would not have made that motion if the driveway width had remained at 12 feet.

Chairman Russo declared a break at this point, at 11:03 p.m., to allow changing of the HCTV recording DVD, calling the meeting back to order at 11:05 p.m.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §275-9 C, Noise Study, citing the reason as being because such a study was unnecessary, taking into consideration the proposed use was not expected to create noise above the decibel allowances set forth in the Hudson Town Code, and a letter was received from the abutter indicating no objection to the proposed use—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §275-9D, Fiscal & Environmental Impact Study, citing the reason as being because the said study, in addition to the submitted plans, CAP fee, and other submitted materials, was not necessary to evaluate the fiscal impact of this development—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Hall seconded the motion.

\VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Mr. Della-Monica moved to grant the requested waiver from the requirements of HTC §275-8 B (29) (a), 24 ft. Access Drive, citing the reason as being because the proposed driveway shown on the plan will be increased to 16 feet in-width, thus providing sufficient width for the safe maneuvering of vehicles onsite—and, as such, the granting of this waiver was not contrary to the spirit and intent of the Site Plan regulations.

Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

Chairman Russo noted that he had suggested deferring approval to get the plans changed, as previously discussed. Ms. DiNovo asked if there were any way to approve the plan conditionally, subject to those changes being made. Chairman Russo said there had been a lot of changes, noting that the driveway needed to be changed, some notes had to be added regarding hours of operation, and outside storage had to be delineated. Chairman Russo asked if the Board wanted to make a motion to approve the plan subject to those changes being made. Selectman Maddox expressed objection, noting that the time was already past the bylaws-specified closing time. Chairman Russo expressed agreement, saying approval would be quick when they came back with the changed plans.

Selectman Maddox moved to defer further action on this application to the meeting of May 11th; Mr. Hall seconded the motion.

Mr. Ulery noted they were being asked to make changes on Plan 2 and include the notes, with the waivers being listed, including the additional one. Mr. Hall said the landscaping plan also would have to be consistent with the site plan, even though it was not going to be recorded—including change of the driveway width and storage area. Town Planner Cashell said the topology would have to be taken off Sheet 2, to record the plan at the Hillsborough County Registry of Deeds. Mr. Hall said the topology would have to be provided on another sheet.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7–0).

XIV. OTHER BUSINESS

No **Other Business** items were addressed this evening.

XV. ADJOURNMENT

All scheduled items having been addressed, Mr. Hall moved to adjourn; Mr. Barnes seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor.

Chairman Russo then declared the meeting to be adjourned at 11:14 p.m.

Date: May 12, 2011

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Edward van der Veen, Secretary

These minutes were accepted as amended following review at the 05-25-11 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
April 27, 2011**

Page 26

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 05-25-11:

Page 6, 2nd paragraph, 2nd line — corrected misspelling "Ayotts" to get correct name of "Ayotte's Stateline Smokin' Joe" store.